

RE: REPORT ON THE JUDICIAL AUDIT AND PHYSICAL INVENTORY OF CASES IN THE REGIONAL TRIAL COURT, BRANCH 54, BACOLOD CITY.

A.M. NO. 06-4-219-RTC. November 02, 2006

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.

The office of a judge exists for one solemn end – to promote the ends of justice by administering it speedily and impartially.[1] The peoples' right to a speedy disposition of cases is a right enshrined in the Constitution.[2]

This administrative case stems from the Report dated August 24, 2004 on the Judicial Audit Conducted in the Regional Trial Court (RTC), Branch 54, Bacolod City presided over by Judge Demosthenes L. Magallanes.[3]

The team was able to audit 450 cases comprising of 164 criminal cases and 286 civil cases, to wit:

CASE STATUS

CRIMINAL

CIVIL

TOTAL

Cases submitted for decision

42

74

116

Cases with pending Motion/ Incident for Resolution

9

51

60

Summons/Warrant of Arrest

2

2

4

Arraignment

9

-

9

For Pre-trial

19

8

27

On Trial

72

50

122

For Compliance

1

6

7

No Further Action

2

72

74

No Further Setting

-

4

4

No Initial Action

-

10

10

Suspended Proceeding

1

3

4

Archived

2

1

3

Newly Filed

-

2

2

Disposed/Dismissed

5

3

8

TOTAL

164

286

450

and made the following observations, to wit:

The aforementioned data undeniably shows the snail pace movement of cases in the court. Out of the 450 pending cases, 25.77% or 116 are submitted for decision, with only 4 cases still within the 90 day period to decide. Likewise, 13.33% of the total caseload have pending motions or incidents for resolution, majority of which are now beyond the mandatory period to resolve. Additionally, 74 cases or 16.44% have not been acted upon for a considerable length of time.

We have noted that criminal cases which have been submitted for decision as early as 1995 or 1996 have not been decided, thus depriving the accused of their constitutional right to a speedy trial. The transcript of stenographic notes are attached to the record, hence, there is no reason why Judge Magallanes cannot decide the said cases.

During the exit conference, Judge Magallanes explained that his health problems contributed to the delay in the disposition of the cases. However, he claims that he has not requested extensions of time to decide the said cases. Considering that the cases have long been due for decision/ resolution, the team advised Judge Magallanes to begin deciding and resolving the cases. In this regard an assisting judge may be designated to try and hear cases pending thereat. Judge Magallanes should be given an unextendible period of six (6) months to decide the 116 cases submitted for decision and two (2) months to resolve the pending motions/incidents in 60 cases.

Judge Roberto S. Chiongson, RTC, Branch 50, who has the least caseload among the judges in Bacolod City, with only 86 pending cases as of March 2004 should be designated Assisting Judge of the RTC, Branch 54.[4]

In a Memorandum dated August 30, 2004[5] the Office of the Court Administrator (OCA) directed Judge Magallanes to:

A. EXPLAIN the causes of the delay in deciding the following cases within the 90-day reglementary period, to wit: Criminal Cases Nos. 13522, 13646, 13814, 10492, 10493, 99-19820, 99-19991, 99-19992, 99-20228, 00-20655, 00-20656, 00-20962, 97-18359, 97-18378, 97-18480, 97-18629, 98-19176, 98-19223, 98-19257, 95-15492, 94-15857, 94-15864, 94-16188, 94-16238, 94-16529, 95-17392, 04-25980, 04-25981, 04-25982, 01-22877, 02-23380, 02-23381, 02-23382, 02-23383, 02-23384, 03-24939, 03-24940, 03-24941, 03-24942, 03-24943, 03-24944, CR No. 93-14900; Civil Cases Nos. 03-12108, 03-12133, 04-12210, CAR Cases Nos. 11-118, 97-9712, 94-8588, 97-9758, SP00-929, 03-12051, 6380, 6411, 98-10355, 03-11883, 03-11882, 02-11861, 00-11334, 01-11497, 01-11379, 94-8294, 01-11373, 02-11802, 02-11750, 02-11660, 99-10986, 97-9907, 86-4163, 98-10516, 00-11038, 03-12113, 7699, 93-8128, 93-8046, 90-5990, 96-9467, 94-8643, 96-9375, 94-8646, 97-9680, 98-10246, 98-10381, 98-10373, 98-10296, 4128, 3846, 7108, 00-11280, 00-11281, 00-11282, 98-10181, 6492, 6540, 6776, 4366, 4265, 4862, 03-11882, 02-11640, 02-11641, 98-10348, 01-11510, CAR 96-11, CAR 96-10, CAR 00-29, CAR 00-21, CAR 9713, CAD 98-768, CAD 99-1036, CAD 99-1036, [sic] CAD 00-1156, CAD 01-1297 and to DECIDE the said cases within six (6) months from notice.

B. INFORM the Court whether the following cases which are considered submitted for decision but still within the mandatory period to decide have already been decided, namely: Criminal Case No. 03-25185 and Civil Cases Nos. 04-12278, CAD 02-1468 and CAD 03-1683 and to SUBMIT copies of the decision.

C. EXPLAIN the causes of the delay in resolving within the 90-day period, the motions/incidents in the following cases, viz: Criminal Cases Nos. 11419, 11488, 97-18434, 98-11826, 98-19298, 98-19397, 97-18129, 96-17781, 03-24458; Civil Cases Nos. SP 98-383, SP 02-1222, 96, 9403, SP 03-1257, SP 01-1020, 02-11817, 99-11004, 02-11745, 01-11470, 02-11607, 03-11895, 03-11917, 03-12145, 98-10298, 99-10236, 98-10452, 01-11146, 01-11420, 00-11216, 03-12188, 00-11167, 97-9866, 00-11129, 95-1829, 01-11417, 01-11530, 97-10027, 8462 2939, 99-10968, 7699, 93-8045, 96-9467, 98-10510, 92-7213, 01-022, 95-9095, 00-11280, 00-11281, 00-11282, 00-11158, 97-9838, 02-11858, 02-11671, 03-12066, 99-10726, 00-11104, 02-11812, SP-02-1199, CAD 01-338, SP 1227 and to RESOLVE the pending motions within two (2) months from notice and to submit copies of your resolutions.

D. INFORM the Court whether the pending motion/incidents in the following cases which are still within the mandatory period to resolve, have already been resolved, namely: Civil Cases Nos. SP No. 04-69, 04-12344, 03-12086, 97-9830 and SP 01-1132 and to SUBMIT copies of the orders.

E. EXPLAIN why the following cases have not been acted upon for a considerable length of time, to wit: Civil Cases Nos. SP 95-053, SP 97-259, 95-16873, 96-17512, 00-11163, 01-11514, 00-11127, 98-1017, SP 7122, SP 7463, SP 96-105, SP 94-8355, SP 7245, SP 94-8553, SP 95-8753, SP 96-088, SP 98-414, SP 98-542, SP 96-128, 96-9317, 00-11344, 93-8152, 98-10186, 00-11237, 6853, 99-10827, 5904, 04-12195, 03-12014, 03-12165, 03-12032, 03-12031, 02-11682, 02-11686, 97-9962, 97-9993, 95-8924, 00-11183, 98-10413, 98-10360, 98-10144, 00-11083, SP Agr. Case 97-14, CAR 96-09, CAR 94-03, SPL DAR 99-20, CAR 95-06, SP 94-8694, SP 9840, SP 6423, SP 344, SP 4916, SP 96-183, SP 98-392, SP 7772, SP 00-899, CAR 01-030, CAD 03-1760, CAD 01-1415, CAD 01-1347, CAD 98-888 and to IMMEDIATELY ACT on the said cases and to INFORM the Court of the action taken thereof.

and directed Atty. Arinday to:

A. EXPLAIN why the following cases where you were authorized to receive evidence ex- parte have not been acted upon despite the lapse of a considerable length of time, namely: Civil Cases Nos. SP No. 99-706, 95-9144, SP No. 5065, SP No. 02-1161, SP No. 01-1113, SP No. 00-877, CAD 00-1115, CAD 01-1316, CAD 99-901, CAD 02-1611 and CAD 02-1519.

B. EXPLAIN why the following cases have not been acted upon since the time of filing, namely: SP No.

00-832 and SP No. 00-838 and Civil Cases Nos. 99-10704, 03-1286, 02-11678, 03-11948, 93-7999, 04-12275, 99-10834 and 02-11701 and to IMMEDIATELY ACT on the same.

C. Take appropriate action on the following cases where there is no further setting in the court calendar for a considerable length of time, to wit: Civil Cases Nos. 02-11614, 03-12000, 03-12104 and Spl. Agrarian Case No. 03-040.

D. SUBMIT a Report on the action taken in Civil Cases Nos. SP No. 04-69, 04-12344, 03-12086, 97-9830 and SP 01-1132; Civil Cases Nos. SP 95-053, SP 97-259, 95-16873, 96-17512, 00-11163, 01-11514, 00-11127, 98-1017, SP 7122, SP 7463, SP 96-105, SP 94-8355, SP 7245, SP 94-8553, SP 95-8753, SP 96-088, SP 98-414, SP 98-542, SP 96-128, 96-9317, 00-11344, 93-8152, 98-10186, 00-11237, 6853, 99-10827, 5904, 04-12195, 03-12014, 03-12165, 03-12032, 03-12031, 02-11682, 02-11686, 97-9962, 97-9993, 95-8924, 00-11183, 98-10413, 98-10360, 98-10144, 00-11083, SP Agr. Case 97-14, CAR 96-09, CAR 94-03, SPL DAR 99-20, CAR 95-06, SP 94-8694, SP 9840, SP 96-183, SP 98-392, SP 7772, SP 00-899, CAR 01-030, CAD 03-1760, CAD 01-1415, CAD 01-1347, CAD 98-888, SP No. 00-832 and SP No. 00-838 and Civil Cases Nos. 99-10704, 03-1286, 02-11678, 03-11948, 93-7999, 04-12275, 99-10834 and 02-11701; Civil Cases Nos. 02-11614, 03-12000, 03-12104 and Spl. Agrarian Case No. 03-040 in chronological order as stated in the directive attaching copies of the Order.[6]

Meanwhile, by virtue of Administrative Order No. 134-2004[7] dated August 31, 2004, the Court designated Judge Roberto S. Chiongson, Presiding Judge of the RTC, Branch 50, Bacolod City, as Assisting Judge of the RTC, Branch 54, same court, to try and decide all pending and newly filed cases thereat; and directed Judge Demosthenes L. Magallanes to cease and desist from trying cases in his sala for six months and devote his time in deciding all cases submitted for decision and in resolving cases with pending motions.

In a letter dated November 2, 2004,[8] Atty. Arinday explained, inter alia, that the cases where she was authorized to receive ex-parte evidence was not acted upon for the following reasons: a) untimely demise of counsel for petitioner in two cases; b) failure of the parties to appear, thus, the case was dismissed for failure to prosecute; c) counsel requested that reception of evidence be deferred to another date; and d) Judge Magallanes' failure to act on the matter promptly.

As regards the other cases, Atty. Arinday explained that it was due to Judge Magallanes' failure to act on time on the petition/appeal and the latter's failure to issue an order directing the parties to file their respective memoranda, thus incurring delay in the disposition of the same.

In his letters dated August 2, 2001[9] and February 28, 2005,[10] Judge Magallanes explained that he failed to decide/resolve the cases within the mandatory period because of health reasons, i.e.: a) his hypertension which developed sometime in 1997 slowed him down; b) his hyper-acidity which started soon after, caused general malaise and hampered his official functions; and c) his diabetes mellitus II which set in in 2001 seriously affected his work-efficiency as the rise and fall of his blood sugar level caused blurred vision and affected his equilibrium, reflexes, attention span and memory. These ailments resulted to a back-log in his court which he reported to the Court on August 2, 2001.

However, it is noted that the alleged illnesses of Judge Magallanes were not supported by any medical certificate.

On June 27, 2005, by virtue of Administrative Order No. 83-2005,[11] the Court revoked, effective immediately, the designation of Judge Chiongson as Assisting Judge of RTC, Branch 54, Bacolod City and directed Judge Magallanes to immediately take cognizance of all the cases in said court.

The Office of the Court Administrator (OCA) submitted its evaluation and recommendation dated April 6, 2006, to wit:

EVALUATION:

A. JUDGE DEMOSTHENES L. MAGALLANES:

The explanations offered by Judge Magallanes for the delay in the disposition and resolution of cases pending in his sala do not exonerate him from any administrative liability. His health problems which impaired his ability to cope with his judicial functions only mitigate liability. Judge Magallanes, aware of his physical adversities, should have asked from the Court extensions of time to decide and resolve cases.

The Court has, time and again, held that when circumstances arise which prevent a judge from deciding a case or an incident thereof within the reglementary period, all he has to do is file an application with the Court for a reasonable extension of time within which to decide or resolve the same. There is no showing that Judge Magallanes has done so. While he has reported his health problems and difficulties to the Court in a letter of August 2, 2001, he did not formally request extensions of time to resolve cases pending in his court, and has failed to decide 54 cases submitted for decision, resolve the pending motions in 49 cases and to act on 45 dormant cases. Available records show that cases submitted for decision as early as 1991 which he inherited from his predecessor remain undecided. The Monthly Report of Cases submitted to the Statistical Reports Division, CMO, OCA, reveal that the inherited cases were not decided due to incomplete transcript of stenographic notes which could have been resolved had Judge Magallanes directed the stenographers concerned to submit their TSN. Also, there were some cases submitted for decision before him which have been pending since 1993, 1994, and 1995. Despite the directive of the Court, he failed to prioritize these cases which undoubtedly denied the parties their constitutional right to a speedy trial. Ten (10) years of waiting for the final disposition of their case is certainly justice delayed, justice denied.

It must be emphasized that decision making, among other duties, is the primordial and most important duty of a member of the bench. It is the ultimate determination of the rights/guilt of the parties/accused. Allowing the cases to sleep in the court's docket is rendering injustice to the litigants and the judiciary's commitment to provide litigants their constitutional right to a speedy trial and a speedy disposition of their cases.

Judge Magallanes was given six (6) months to decide all 112 cases submitted for decision. An Assisting Judge was designated to conduct trial in his court so he, as regular judge could devote his time in resolving these cases. He was also granted additional period to decide when Judge Chiongson's designation as assisting judge continued for 9 months from the expiration of the 6-month grace period.

Records also disclose that Judge Magallanes falsified his Monthly Certificate of Service for the months of September 2005 and October 2005 by stating that "all special proceedings, applications, petitions, motions, and all civil and criminal cases which have been under submission for decision or determination for a period of ninety (90) days or more have been determined and decided on or before" the month concerned. However, the Monthly Report of Cases for the months of September 2005 and October 2005 submitted to the Statistical Reports Division, CMO, OCA, reveal that there were cases submitted for decision but not decided in the months involved. In September 2005, Judge Magallanes had 76 cases submitted for decision. His Certificate of Service however attested that all cases submitted for decision have been decided on or before the 30th of September 2005.

x x x x

In fine, Judge Magallanes has been dishonest and grossly inefficient in the performance of his judicial functions. He failed to live up to the exacting standard of conduct demanded by the office he had sworn to serve. Consequently, he can be administratively sanctioned for these infractions.

Undue delay in rendering a decision or order and untruthful statements in the certificate of service are classified as less serious charge for which a penalty of suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months or a fine of more than P10,000.00 but not exceeding

P20,000.00 may be meted out.

Considering the mitigating circumstance of very poor health condition, a penalty of fine in the amount of P20,000.00 is commensurate. Judge Magallanes should be directed to decide and resolve the remaining cases subject of the audit report within 120 days from notice and submit to the Office of the Court Administrator an Accomplishment Report.

B. ATTY. GIA L. ARINDAY

The failure of Atty. Arinday to immediately take initial action on cases raffled to the court, calendar cases and monitor cases where she was authorized to receive evidence ex parte displays lack of diligence in the discharge of her administrative functions. Although the delay in the disposition of cases in the court cannot solely be attributed to her, it was her duty to remind the judge of matters that need immediate action. She cannot hide under the cloak of the judge's inefficiency.

x x x x

In fine, Atty. Arinday has been negligent in the performance of her duties. She should be reminded to be more prudent in the discharge of her functions and warned that a repetition of the same in the future will be dealt with severely.

RECOMMENDATION:

IN VIEW OF THE FOREGOING, we respectfully submit for the consideration of the Honorable Court the following recommendations:

- JUDGE DEMOSTHENES L. MAGALLANES, Presiding Judge, Regional Trial Court, Branch 54, Bacolod City be FINED in the amount of TWENTY THOUSAND PESOS (P20,000.00) for his failure to decide and resolve cases within the 90-day reglementary period and for making untruthful statements in his Certificate of Service.
- JUDGE DEMOSTHENES L. MAGALLANES be DIRECTED to decide/resolve the remaining cases submitted for decision/ resolution within 120 days from notice and submit to the Court through the Office of the Court Administrator a copy of the decision/orders taken thereon.
- ATTY. GIA L. ARINDAY Clerk of Court, Regional Trial Court, Branch 54, Bacolod City be REMINDED to be more prudent in the discharge of her functions and duties and WARNED that a repetition of the same will be dealt with severely by the Court.
- The Judicial Audit Report in the RTC, Branch 54, Bacolod City dated August 24, 2004 be docketed as an administrative complaint against Judge Demosthenes L. Magallanes and Atty. Gia L. Arinday.

We approve the recommendations of the OCA except as to the penalty.

In the Resolution of July 26, 2006, the Court required the parties to manifest if they are willing to submit the case for decision/resolution based on the pleadings filed. However, in a Manifestation dated September 22, 2006, Judge Magallanes prayed for an extension of six months to finish off the backlog in the court docket. This, to our mind, is a mere escape from the sanction that this Court may impose on him for not having decided the remaining backlog in his court docket.

In the Resolution of October 16, 2006, the Court deemed the administrative case submitted for resolution.

As held in the Office of the Court Administrator v. Judge Aquino,[12] the members of the judiciary have the sworn duty to administer justice without undue delay. For failing to do so, respondent Judge has to suffer the consequences of his omission. Any delay in the disposition of cases undermines the people's faith and confidence

in the judiciary. The Court has consistently impressed upon members of the judiciary the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied.[13] It is the duty of every judge to resolve cases filed before him with good dispatch. Failure to decide the case within the reglementary period is not excusable and constitutes inefficiency warranting the imposition of administrative sanctions on the defaulting judge.[14]

Decision-making, among other duties, is the primordial duty of a member of the bench.[15] The speedy disposition of cases in our courts is a primary aim of the judiciary so the ends of justice may not be compromised and the judiciary will be true to its commitment of providing all persons the right to a speedy, impartial and public trial and to a speedy disposition of cases.[16]

Judge Magallanes did not exert any effort to request for an extension of time from the Court to decide these numerous cases comprising the backlog in the said court, which to our mind, is already a denial of justice to party litigants due to its long delay and snail pace resolution. Worse, he even waited for the audit team to find out his gross inefficiency and even had the temerity to reflect in the certificate of service untruthful statements. When a judge can no longer perform his duties and responsibilities due to sickness which hampers him from doing so, the judge might as well avail of an early retirement than tarnish the image of the judiciary which the judge is representing, in general and the judge's name, in particular.

Records show that out of the 116 criminal and civil cases submitted for decision, only four cases are still within the 90-day period to decide; out of the 60 criminal and civil cases with pending motion, only two cases are still within the 90-day period to resolve; and 74 cases have not been acted upon for a considerable length of time. Worse, those cases which he inherited remained undecided/unresolved due to incomplete TSNs which could have been remedied had he only asked the stenographers to transcribe the same. As aptly observed by OCA, there were some cases submitted for decision before him which have been pending since 1993, 1994, and 1995. Despite the directive of the Court, he failed to prioritize these cases which undoubtedly denied the parties their constitutional right to a speedy trial. Ten years of waiting for the final disposition of their case is certainly justice delayed, justice denied.

Delay reinforces in the mind of the litigants the impression that the wheels of justice grind ever so slowly. We cannot countenance such undue delay by a judge, especially at a time when clogging of court dockets is still the bane of the judiciary, whose present leadership has launched an all out program to minimize, if not totally eradicate, docket congestion and undue delay in the disposition of cases.[17]

It is not uncommon for this Court, upon proper application and in meritorious cases, especially when difficult questions of law or complex issues are involved, to grant judges of lower courts additional time to decide beyond the 90-day period.[18] All that a judge really needs to do, in cases of great difficulty, is to request for an extension of time over which the Court has, almost invariably, been sympathetic. Judge Magallanes, however, did not avail of such remedy, which only manifests his failure to be on top of the cases assigned to him. Moreover, he even made untruthful statements in his Certificate of Service by stating that "all special proceedings, applications, petitions, motions, and all civil and criminal cases which have been under submission for decision or determination for a period of 90 days or more have been determined and decided on or before" the month concerned.

In *Enriquez v. Camarista*,[19] we held that a judge who falsifies his Certificate of Service is administratively liable for serious misconduct and inefficiency under the Rules of Court and likewise under the Penal Code. For it must be remembered that the Certificate of Service is not merely a means to one's paycheck, but an instrument by which the courts can fulfill the Constitutional mandate of the people's right to a speedy disposition of cases.[20]

Prompt disposition of cases is attained basically through the efficiency and dedication to duty of judges.[21] If they do not possess these traits, delay in the disposition of cases is inevitable to the prejudice of litigants. Accordingly, judges should be imbued with a high sense of duty and responsibility in the discharge of their obligation to promptly administer justice.

Under Sections 9 and 11 (B) of Rule 140 of the Rules of Court, undue delay in rendering a decision and untruthful statements in the certificate of service are less serious charges punishable by: (1) suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or (2) a fine of more than P10,000.00 but not exceeding P20,000.00.

Considering that the backlog in the court docket of Judge Magallanes docket started from 1993 and continues up to the present or for almost 13 years and considering the absence of a medical certificate to support the alleged illnesses of Judge Magallanes which does not serve to mitigate his liability, the penalty of suspension in its maximum period of three months without salary and other benefits should be imposed, not just a fine of P20,000.00 as recommended by the OCA, with a stern warning that a repetition of the same or similar act will be dealt with more severely.

Anent Atty. Arinday, we find her to be negligent in her duties as Branch Clerk of Court (BCoC). Her failure to immediately take initial action on cases raffled to the court, calendar and monitor cases where she was authorized to receive evidence ex parte displays her lack of diligence in the discharge of such administrative functions. Although the delay in the disposition of cases in the court cannot solely be attributed to her, it was her duty to remind the judge of matters that need immediate action. The branch clerk of court cannot hide under the cloak of the judge's inefficiency.

As BCoC, she must realize that her administrative functions are just as vital to the prompt and proper administration of justice. She is charged with the efficient recording, filing and management of court records, besides having supervision over court personnel. She plays a key role in the complement of the court and cannot be permitted to slacken on her job under one pretext or another.[22] She must be assiduous in performing her official duties and in supervising and managing court dockets and records.[23]

Under Section 52(B)(1) of the Uniform Rules on Administrative Cases in the Civil Service, simple neglect of duty is a less grave offense punishable by suspension from office for one (1) month and one (1) day to six (6) months for the first offense, and dismissal for the second offense.

Although the delay in the disposition of cases cannot be solely attributed to Atty. Arinday, she is still liable for simple neglect of duty. However, considering that it is her first offense and following the Court's ruling in *Re: Report on the Judicial Audit Conducted at the Municipal Trial Court in Cities (Branch 1), Surigao City*,[24] she should be imposed a penalty of fine in the amount of P5,000.00 and warned that the repetition of the same or similar infractions in the future will be dealt with more severely.

One final point. The Court would like to remind judges and branch clerks of court alike that they share the same duty and obligation to dispense justice promptly and speedily. In achieving this salutary purpose, their individual roles are corollary, even symbiotic. They should therefore strive to work together and mutually assist each other in the pursuit of this goal.[25]

ACCORDINGLY, the Court finds Judge Demosthenes L. Magallanes, Regional Trial Court, Branch 54, Bacolod City guilty of undue delay in rendering decision and making untruthful statements in his Certificate of Service and is **SUSPENDED** for three months without salary and other benefits **WITH STERN WARNING** that a repetition of the same or similar acts will be dealt with more severely.

Moreover, the Court finds Atty. Gia L. Arinday, Branch Clerk of Court, RTC, Branch 54, Bacolod City, guilty of SIMPLE NEGLIGENCE and she is FINED in the amount of FIVE THOUSAND PESOS (P5,000.00) and WARNED that a repetition of the same or similar infractions in the future will be dealt with more severely.

Furthermore, the Manifestation of Judge Magallanes dated September 22, 2006 praying for an extension of six to eight months within which to dispose the backlog in his court docket, the same is granted and he is given six months to dispose the same. Judge Magallanes is further required to submit a monthly report of the decisions/orders disposed of to the Office of the Court Administrator.

SO ORDERED.

Panganiban, C.J., (Chairperson), Ynares-Santiago, Callejo, SR., and Chico-Nazario, JJ., concur.

[1] *Ruperto v. Banquerigo*, 355 Phil. 420, 425 (1998).

[2] Section 16, Article III, 1987 Constitution of the Philippines.

[3] *Rollo*, Annex "A".

[4] *Id.*, Annex "A".

[5] *Id.*, Annex "B".

[6] *Id.*, Annex "C".

[7] *Id.*, Annex "D".

[8] *Id.*, Annex "H".

[9] *Id.*, Annex "G".

[10] *Id.*, Annex "F".

[11] *Id.*, Annex "E".

[12] 389 Phil. 518, 523-524 (2000), *Office of the Court Administrator v. Judge Butalid*, 355 Phil. 337, 349 (1998).

[13] *Id.*

[14] *Office of the Court Administrator v. Judge Aquino*, *supra* note 12, at 523.

[15] *Cadauan v. Judge Alivia*, 398 Phil. 56, 59 (2000).

[16] *Id.*

[17] Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 8, Cebu City, A.M. No. 05-2-101-RTC, April 26, 2005, 457 SCRA 1, 9.

[18] Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 5, Iligan City, A.M. No. 02-10-628-RTC, October 1, 2004, 440 SCRA 1, 14.

[19] 345 Phil. 230 (1997).

[20] *Id.* at 234-235.

[21] *Acuzar v. Ocampo*, A.M. No. MTJ-02-1396, March 15, 2004, 425 SCRA 464, 469.

[22] Office of the Court Administrator v. Bawalan, A.M. No. P-93-945, March 24, 1994, 231 SCRA 408, 413.

[23] Lloveras v. Sanchez, A.M. No. P-93-817, January 18, 1994, 229 SCRA 302, 307.

[24] A.M. No. P-04-1835, January 11, 2005, 448 SCRA 13, 24.

[25] Office of the Court Administrator v. Quiñanola, 375 Phil. 448, 463 (1999).

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